

**REMARKS**

Independent claims 1, 7, 13 and 15 have been amended to include the subject matter of claim 3, which is canceled without prejudice to reentry. Claims 1, 2, and 4 - 16 remain in this patent application. The applicant respectfully submits that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated May 31, 2007.

The Examiner has rejected claims 1-7 and 9-16 under 35 U.S.C. § 103(a) as unpatentable over Toyama '576 (previously applied) in view of Sawada '911 (previously applied). This rejection is respectfully traversed.

**Claim 3.** Claim 3 is now incorporated into each of the independent claim, e.g., claim 1 recites "wherein ... said evaluation patterns are provided corresponding to types of defects ... and are arranged by types of said defect. ." In rejecting claim 3, the Examiner relied on Toyama's paragraphs 0006, 0041, and 0047.

The Applicant's claimed reticle has defective evaluation patterns in an area *different from the exposure area*. The evaluation patterns correspond to *types of defects* that might be generated in the exposure area, and are *arranged by the type of the defect*. This makes it possible to observe and compare any detected defects in the exposure area with the evaluation patterns under the same inspection wavelength, it allows an exact judgment on whether the detected defects are adversely affective to transfer of the device pattern or not, and, consequently, it allows an exact judgment on the necessity of correction of such defects.

**Toyama.** With respect, none of Toyama's paragraphs 0006, 0041, or 0047 actually discloses the Applicant's claimed features. Toyama teaches *predicting* errors that will be caused by "defocus" or "errors of the production of photomask" and manufacturing the mask in anticipation of these errors. The applied paragraphs are not seen to mention so much as a single feature of claim 3, and the Applicant notes that the Examiner has not cited the applied paragraphs *specifically* in support of different types of defects being in a specific area or arranged in any way whatsoever, much less arranged according to the type of defect.

The Examiner admits that Sawada does not anticipate claim 3. Therefore, no combination (not admitted obvious) could anticipate.

**Response to Arguments.** The Examiner has not responded to the Applicant's previous argument that Sawada has a precision evaluating pattern which is used only for determining the measuring precision of photoresist and etched patterns, and not for evaluating transferability onto a transfer target of any defect in said exposure area; or that claim 6 lists types of defects, none of which correspond to "measuring precision" of Sawada.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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